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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,795

Applicant(s)

PIRASTEH ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7-9,11,14-17,19 and 22-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,4,5,7-9,11,14-17,19 and 22-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. **Claim(s) 19** is objected to because of the following informalities: line 1 "claim 18" should be "claim 15". Correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claim(s) 1, 4, 5, 7-9, 11, 14-17, 19, 22, 23, 25 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al. (US 5,619,554) in view of Ainslie et al. (US 6,480,599 B1).

Regarding **claim(s) 1**, Hogan discloses, a method for processing telephone calls using IVR (FIG. 10 and column 1, lines 7-11) the method comprising the steps of:

automatically answering a call from an individual and redirecting the call to an IVR Engine (FIGS. 10 and 12 and column 14, lines 23-32) [The network control processor 304 answers the call and allocates the call to an automated voice response unit 334];

sending a signal from the IVR Engine to a Script Engine via a Data Interface Process, whereby the Script Engine may select an appropriate script and send an instruction and the selected script back to the IVR Engine (FIGS. 10 and 12 and column 14, lines 41-46) [The automated voice response unit 334 request the appropriate voice script from the voice script server 1002 via a data interface and the voice script server 1002 retrieves the appropriate voice script from the database 1004 and sends a packet data to the automated voice response unit 334];

passing the instruction from the IVR Engine to the individual (FIGS. 10 and 12 and column 14, line 47 to column 15 line 2) [The automated voice response unit 334 plays the selected voice script as it receives the packet data to the user until completion].

Hogan discloses an IVR selecting an appropriate script to pass to the caller but is silent on collecting input from the individual given in response to the instruction and sending the collected input from the IVR Engine to the Script Engine via the Data Interface.

However, Ainslie teaches collecting input from the individual given in response to the instruction (FIG. 1 and column 5, lines 56-65) [The caller interviewer 20 collects the information from the caller via the IVR 21 in response to the voice prompts]; and

sending the collected input from the IVR Engine to the Script Engine via the Data Interface (FIG. 1 and column 5, line 66 to column 6, line 8) [The caller interviewer 20 sends a command to the database 25 via the external interface 24 after determining the customer identification].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hogan using the caller interviewer as taught by Ainslie.

This modification would offer the capability of collecting input from the individual given in response to the instruction and sending the collected input from the IVR Engine to the Script Engine via the Data Interface so that the user can be directed to the appropriate service.

Regarding **claim(s) 4 and 19**, Hogan discloses, a method for processing telephone calls further comprising applying business rules and logic to the collected input on the Script Engine (column 14, lines 16-22).

Regarding **claim(s) 5 and 23**, Hogan discloses, a method for processing telephone calls further comprising utilizing project configuration information in the Data Interface Process to establish a connection between the IVR Engine and an appropriate the Script Engine (column 14, lines 33-40).

Regarding **claim(s) 7**, Hogan discloses, a method for processing telephone calls further comprising warehousing the collected input by the Script Engine (column 14, lines 41-46).

Regarding **claim(s) 8**, Hogan discloses, a method for processing telephone calls wherein selecting the script further comprises executing appropriate Application Programming Interfaces for the call (column 14, lines 3-14).

Regarding **claim(s) 9 and 22**, Hogan discloses, a method for processing telephone calls, wherein validating the collected input on the Script Engine (column 14, lines 33-40).

Regarding **claim(s) 11**, Hogan discloses, a method for processing telephone calls further comprising translating between the Data Interface Process and the Script Engine (column 14, lines 47-63).

Regarding **claim(s) 14**, Hogan discloses, a method for processing telephone calls further comprising generating an electronic folder for each call, the electronic folder adapted to house any information pertinent to the call (column 14, lines 33-40).

Regarding **claim(s) 15**, Hogan in combination with Ainslie disclose all the limitations of **claim(s) 15** as stated in **claim(s) 1**'s rejection above and furthermore Hogan discloses, a switch (Front-end Distributor 904 on FIG. 10), an IVR Engine (VRU 334 on FIG. 10), a Main Script Engine (Voice script service 908 on FIG. 10) and a data interface process (Voice Script Server 1002 on FIG. 10).

Regarding **claim(s) 16**, Hogan discloses, a system for processing a telephone call additionally comprising a data storage device coupled to the Main Script Engine for housing the incoming information received from the individual (column 14, lines 41-46).

Regarding **claim(s) 17**, Hogan discloses, a system for processing a telephone call further comprising a Computer Telephony Interface adapted to connect and communicate between the IVR Engine and the switch (column 14, lines 41-46).

Regarding **claim(s) 25**, Hogan discloses, a system for processing a telephone call further comprising a Message Translator to the Script Engine and configured to interpret the incoming and outgoing information (column 14, lines 16-22).

Regarding **claim(s) 26**, Hogan discloses, a system for processing a telephone call additionally comprising a Script Message Emulator, the Script Message Emulator configured to provide a predetermined script to simulate the Script Engine and to interface with the IVR Engine (column 14, lines 33-40).

6. **Claim(s) 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan in view of Ainslie as applied to **claim(s) 23** above, and further in view of Bjornberg et al. (US 6,389,126 B1).

Regarding **claim(s) 24**, Rogan in combination with Ainslie as applied to claim(s) 23 above differ from claim(s) 24, in that it fails to disclose the socket interface comprises a TCP-IP socket.

However, Bjornberg teaches, a system for processing a telephone call wherein the socket interface comprises a TCP-IP socket (column 5, lines 26-37).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hogan in combination with Ainslie using the TCP/IP protocol as taught by Bjornberg.

This modification would offer the capability of having the socket interface comprises a TCP-IP socket so that the user can receive the proper packet data service.

Response to Arguments

7. Applicant's arguments with respect to **claim(s) 1, 4, 5, 7-9, 11, 14-17, 19 and 22-26** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.

July 31, 2005



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